

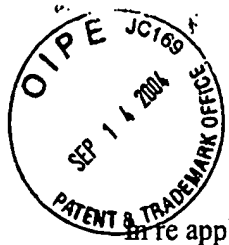
The Technology Center Director in TC 3600 should decide the petition to expunge information, because under MPEP 724.06 the information to be expunged is subject to a Protective Order as noted on page 2 of the Petition.

Examiner Kenneth Noland

AU 3653

08-15-04

DAC
IFW.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Raymond Rudolph Spivey

Serial No.: 10/777,614

Docket No.: R029 1064.4

Filed: February 12, 2004

For: CARTON WITH AN IMPROVED
DISPENSING FEATURE

**PETITION TO EXPUNGE INFORMATION UNINTENTIONALLY SUBMITTED
IN AN APPLICATION UNDER 37 C.F.R. 1.59(b)**

Mail Stop Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby submits this Petition to Expunge Information Unintentionally Submitted In An Application, pursuant to 37 C.F.R. 1.59(b). Petitioner requests that a non-redacted Brief, entitled "Riverwood's Supplemental Pre-Hearing Brief in Support of Plaintiff's Motion for Preliminary Injunction" as filed in an Information Disclosure Statement (IDS) by the Applicant on May 26, 2004, be expunged from the file history record, and that this non-redacted Brief be replaced with a redacted version of the same Brief. The non-redacted version of the Brief was unintentionally submitted during prosecution of the present Application rather than the redacted version, which is attached in the Appendix hereto.

Petitioner hereby states that the Office can affect such return of the information prior to the issuance of any patent on the Application in issue.

Petitioner acknowledges the requirement to retain such information for the period of any patent with regard to which such information is submitted.

Certain information contained in the Brief submitted along with the IDS should have been redacted prior to submission of the IDS. That information has been removed from the redacted version, is not material information under 37 C.F.R. 1.56, and does not affect the patentability of the application to which the document was submitted. This information in the non-redacted Brief is subject to a Protective Order as issued by the U.S. District Court, Northern District of Georgia, Atlanta Division. The replacement of the non-redacted version of the Brief with the redacted version will be in furtherance of the Protective Order.

The Petitioner also has submitted a Petition to Expunge in reference to the prosecution history of U.S. Patent Application No. 10/425,846, which is the "parent" of the instant Application. The non-redacted Brief also was submitted in an IDS in the '846 Application. The '846 Application issued as U.S. Patent No. 6,715,639 on April 6, 2004. The disclosure in the prosecution history of the '639 Patent is the only public disclosure of the non-redacted material from the Brief to Applicant's knowledge. Removal of the non-redacted material from the prosecution file history is believed by Applicant to expunge this information from the public domain.

Accordingly, under 37 C.F.R. 1.59(b), the Petitioner requests: (i) expungement of the non-redacted Brief entitled "Riverwood's Supplemental Pre-Hearing Brief in Support of Plaintiff's Motion for Preliminary Injunction," filed in an IDS by the Applicant on May 26, 2004, and (ii) replacement of the non-redacted Brief with the redacted version of the same Brief.